

PATENT
Application Serial No. 10/663,400
Docket No. 02-4111

REMARKS

This amendment is responsive to the final Office Action¹ dated February 22, 2006. Claims 1-27 were presented for examination. Claims 22-24 and 27 were allowed; Applicant acknowledges the finding of allowable subject matter with appreciation. Claims 1-21 and 25-26 were rejected. Claims 1, 7, 13, 22, 25 and 27 are independent claims. Claims 1, 7, 13 and 25 are amended by incorporating allowable limitations into the un-allowed independent claims, wherefore this amendment after final should be entered. No new matter is added. No claims are canceled. Claims 1-27 are pending.

Claims 1-6, 13, 15-16 and 25-26 are rejected under 35 U.S.C. §102(b) as being anticipated by Froula (U.S. Patent Number 6,356,767 B2, hereinafter "Froula"). Claims 7-12 are rejected under 35 U.S.C. §103(a) as being un-patentable over Varney et al. (U.S. Patent Publication Number 2004/0095954 A1, hereinafter "Varney") in view of Froula. Claim 14 is rejected under 35 U.S.C. §103(a) as being un-patentable over Froula in view of Schweitzer (U.S. Patent Publication Number 2002/0176545 A1, hereinafter "Schweitzer"). Claims 17 and 19-21 are rejected under 35 U.S.C. §103(a) as being un-patentable over Froula in view of Varney. Claim 18 is rejected under 35 U.S.C. §103(a) as being un-patentable over Froula in view of

¹ The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicant may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicant does not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicant deems allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicant that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim

PATENT
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Docket No. 02-4111

Varney in further view of Tari et al. (U.S. Patent Number 6,542,491 B1, hereinafter "Tari").

Applicant respectfully traverses these rejections for the following reasons.

Applicant has amended its independent claims 1, 7, 13 and 25 to include the subject matter which the Examiner has found to be allowable, as expressed in the final Office Action on pages 13-14. Therefore, all claims in the application, both independent and dependent claims, are subject to these allowable limitations. Accordingly, all claims are now allowable and Applicant respectfully requests that this application be passed to issue.

Applicant does not acquiesce that the cited prior art provides proper grounds for rejection of the currently amended claims prior to the instant amendment. In other words, Applicant believes that the claims, prior to the instant amendment, were allowable in light of the cited references. Nevertheless, Applicant submits this instant amendment to advance the prosecution of this application, and Applicant expressly reserves its rights to file a continuation application to pursue broader coverage consistent with previous versions of the claims.

PATENT
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Docket No. 02-4111


CONCLUSION

Applicant respectfully requests reconsideration of this application and allowance of the pending claims. This amendment after final should be entered by the Examiner since it incorporates allowable limitations into all independent claims, and therefore places the application into a condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account. Early passage to issue is earnestly solicited.

Respectfully submitted,

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